

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:18-cr-727

Plaintiff,

v.

ORDER

John M. Everson,

Defendant.

Defendant John M. Everson has filed a motion pursuant to 28 U.S.C. § 455 to disqualify me as the judge in this case because I have declined to grant several motions Everson filed to dismiss this case for lack of jurisdiction. (Doc. No. 65). Section 455 states a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). Disqualification under this section must be based upon “extrajudicial conduct rather than on judicial conduct. . . and upon a personal bias as distinguished from judicial one, arising out of the judge’s background and association and not from the judge’s view of the law.” *Green v. Nevers*, 111 F.3d 1295, 1303-04 (6th Cir. 1997) (citations and internal quotation marks omitted).

Everson’s motion is based upon his belief that I incorrectly denied his motion and not on any extrajudicial conduct. Therefore, I deny his motion. (Doc. No. 65).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge